

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff(s),

vs.

GIAVANNA HOMEOWNERS
ASSOCIATION, et al.,

Defendant(s).

Case No. 2:16-cv-00329-JCM-NJK

ORDER

Pending before the Court is an order for the parties to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 16. In particular, that order was directed at (1) the contention by Defendant Absolute Collection Services, LLC (“ACS”) that this case does not have the requisite \$75,000 in controversy and (2) the inadequate record regarding the citizenship of ACS. *See id.* at 2. ACS did not directly respond to the order to show cause, instead filing an errata to its certificate of interested parties identifying its sole member and that person’s residency. *See* Docket No. 17. That filing did not establish the Court’s jurisdiction as it failed to address ACS’s contention that the requisite amount in controversy was lacking and addressed residency, rather than citizenship. As a result, the Court ordered a further response from ACS that (1) articulates the reason ACS believes less than \$75,000 is at issue or withdraws that contention and (2) attaches a declaration based on personal knowledge identifying the citizenship of Kelly Mitchell. Docket No. 21.

The Court now has before it that further response, which remains deficient. Docket No. 21. With respect to the amount in controversy, it appears that ACS currently has no grounds to challenge

1 the sufficiency of the amount in controversy. *See id.* at 2-3. With respect to the citizenship of ACS's
2 sole member, ACS has submitted a declaration from an unknown person attesting that he knows Kelly
3 Mitchell and has known Kelly Mitchell to be a citizen of Nevada. Docket No. 22-1. This conclusory
4 declaration from an unknown third-party is not sufficient.

5 The Court hereby **ORDERS** ACS to file, no later than June 7, 2016, a declaration signed by
6 Kelly Mitchell. That declaration must identify the declarant's state of citizenship.

7 **THE FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN THE**
8 **ISSUANCE OF AN ORDER FOR KELLY MITCHELL, ACS, AND THE ATTORNEY**
9 **REPRESENTING ACS TO SHOW CAUSE WHY SANCTIONS SHOULD NOT BE IMPOSED.**

10 IT IS SO ORDERED.

11 DATED: May 31, 2016

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13 NANCY J. KOPRE
14 United States Magistrate Judge
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